

FILED
TARRANT COUNTY
10/26/2021 4:51 PM
THOMAS A. WILDER
DISTRICT CLERK

NO. 236-329921-21

SAMANTHA CHANDLER,
Plaintiff,

v.

TARRANT COUNTY
Defendant.

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§

IN THE DISTRICT COURT

JUDICIAL DISTRICT _____

TARRANT COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME Samantha Chandler, hereinafter called Plaintiff, complaining of Tarrant County hereinafter called Defendant, and for cause of action show unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

2. Plaintiff, Samantha Chandler, is an individual whose address is 2200 Provine Street, Fort Worth, Texas 76103.

3. Defendant, Tarrant County, may be served with process pursuant to Section 17.022 of the Texas Civil Practice and Remedies Code by serving it's the county judge, Judge B. Glen Whitley at 100 East Weatherford Street, Fort Worth, Texas 76196.

JURISDICTION AND VENUE

4. The subject matter in controversy is within the jurisdictional limits of this court.

5. The damages sought in this suit are within the jurisdictional limits of this Court. As required by Texas Rule of Civil Procedure 47, Plaintiff seeks monetary relief over \$200,000.00 but not more than \$1,000,000.00.

6. Venue is proper in Tarrant County in that the events giving rise to this cause of action occurred within Tarrant County.



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ATTEST: 11/11/2021
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ William Ybarra

FACTS

7. Ms. Chandler was employed with Tarrant County sheriff Office from August 24, 2020 through April 23, 2021 as a Crime Scene Investigator.

8. As Ms. Chandler is working with Meena Aldouri, she shares that she has been a surrogate in the past and would like to help another family in the future.

9. On or about September 2020, Ms. Chandler's coworker, Meena Aldouri, stated that "it bothered her that she was trying to be a surrogate and was starting to work there [Sheriff's Office.]" Aldouri was worried that Chandler's potential pregnancy would affect her schedule and others schedule. She did not think it was fair that Chandler would eventually ask for light duty. Aldouri said that if Chandler's plan was to become pregnant, she needed to discuss with her supervisor. Aldouri informed Chandler that it was up to the supervisor if they would keep her because chandler's intent to get pregnant.

10. Ms. Chandler learned she is pregnant in January 2021. She told her co-workers in the beginning of her pregnancy. She told her supervisor on April 7, 2021 she was pregnant and provide him the note from her treating physician that she is not to lift over 30 pounds. Her supervisor, Sergeant Robert Brown sent her home for the day. He said that he will have to put on light duty so she can not work at that time. She missed four days of work. She contacted her physician to get a note saying she is not on light duty. Her supervisor said she was only allowed back if she brought a note saying she did not have light duty.

11. She made up one shift to keep the hours. When she returned her co-worker's treated her poorly. They were upset that they had to cover her shifts. On or about April 13, 2021, Meena told her that she should been fired for missing days due to the pregnancy.

12. Her Sergeant called her on or about April 16, 2021, checking to see if she was okay because a co-worker would not help her work a scene. She worked a scene that required her to search a location for human remains and pull weeds to locate all of the remains.

13. On or about April 23, 2021 and upon reporting for work she was immediately notified that she was terminated. She was required to return all her work materials and bring back to the office.

14. Ms. Chandler later received a letter from Tarrant County stating she is under probation, and they were not required to tell her why she was terminated.

CAUSE OF ACTION: WRONGFUL TERMINATION

15. In Texas, employment is at will with several exceptions both statutory and common law. State and federal discrimination statutes prevent termination based upon a person's race, color, religion, gender, age, national origin, disability, or citizenship. Employees are also protected when from certain protected activities such as requesting FMLA leave and filing EEOC complaints.

16. Here, Ms. Chandler was wrongfully terminated because she informed her employer she was pregnant and her physician noted that she should lift no more than 30 pounds.

**CAUSE OF ACTION: PREGNANCY DISCRIMINATION & TITLE VII VIOLATION
FOR SEX**

17. The Pregnancy Discrimination Act ("PDA") forbids discrimination based on pregnancy when it comes to any aspect of employment, including, hiring, firing, pay, job assignments, promotions, layoff, and any other term or condition of employment.

18. Here, Ms. Chandler was terminated from her position after Tarrant County Sherriff's Office learned she was pregnant. Upon her hiring, Meena Aldouri expressed that a potential pregnancy would be a problem because it could affect another worker's schedule. She clearly voiced her concern that should Chandler get pregnant it would not be good for the department. After Chandler learned that she was in fact pregnant, Chandler's coworkers became hostile. The hostility escalated after she was forced to leave for four days because her physician's note said she could not life more than 30 pounds. After she is able to return, with the new note, the co-worker's and especially Meena Aldouri state that Chandler should have been terminated for missing days. The complaints continue and Chandler is eventually terminated without warning, without a write-up, and without any reprimand.

CONDITIONS PRECEDENT

19. All conditions precedent to jurisdiction have occurred or been complied with: a charge of discrimination was filed with the Equal Employment Opportunity Commission within three-hundred days of the acts complained of herein and Plaintiff's Petition is filed within ninety days of Plaintiff's receipt of the Equal Employment Opportunity Commission's issuance of a right to sue letter.

ATTORNEY'S FEES

20. Request is made for all costs and reasonable and necessary attorney's fees incurred by or on behalf of Plaintiff herein, including all fees necessary in the event of an appeal of this cause to the Court of Appeals and the Supreme Court of Texas, as the Court deems equitable and just, as provided by: (a) Section 17.50(d) of the Texas Business and Commerce Code; (b) Chapter 38 of the Texas Civil Practice and Remedies Code; and, (c) common law.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Samantha Chandler, respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant for the economic and actual damages requested hereinabove in an amount in excess of the minimum jurisdictional limits of the Court, together with prejudgment and post judgment interest at the maximum rate allowed by law, attorney's fees, costs of court, and such other and further relief to which the Plaintiff may be entitled at law or in equity, whether pled or unpled.

Respectfully Submitted,

Crocker Russell & Associates
2401 Callender Road, Suite 103
Mansfield, Texas 76063
Tel: (817) 482-6570
Fax: (682) 232-1850

/s/ Ali Crocker Russell

Ali Crocker Russell
Bar No.: 24098868
Email: ali@cralawfirm.com
Attorney for Samantha Chandler



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THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ William Ybarra

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Samantha Chandler**
2200 Provine St
Ft Worth, TX 76103

From: **Dallas District Office**
207 S. Houston St.
3rd Floor
Dallas, TX 75202



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

450-2021-03577

Elizabeth Gilmore,
Investigator

(972) 918-3646

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

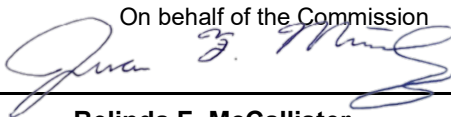
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

for



Belinda F. McCallister,
District Director

07/28/2021

(Date Issued)

Enclosures(s)

cc:

Robert D. Browder
Chief, Civil Division
TARRANT COUNTY SHERIFFS OFFICE
401 W. Belknap Street
9th Floor
Fort Worth, TX 76196



A CERTIFIED COPY
 ATTEST: 11/11/2021
 THOMAS A. WILDER
 DISTRICT CLERK
 TARRANT COUNTY, TEXAS
 BY: /s/ William Ybarra

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope or record of receipt, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was issued to you** (as indicated where the Notice is signed) or the date of the postmark or record of receipt, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- *not* 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.



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TARRANT COUNTY, TEXAS
BY: /s/ William Ybarra

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Micala Munoz on behalf of Ali Crocker
Bar No. 24098868
micala@cralawfirm.com
Envelope ID: 58564741
Status as of 10/26/2021 5:02 PM CST

Associated Case Party: Samantha Chandler

Name	BarNumber	Email	TimestampSubmitted	Status
Micala Munoz		micala@cralawfirm.com	10/26/2021 4:51:22 PM	SENT
Ali Crocker Russell		ali@cralawfirm.com	10/26/2021 4:51:22 PM	SENT
Kursten King		kursten@cralawfirm.com	10/26/2021 4:51:22 PM	SENT



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